

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 870 - SB 893**

March 10, 2021

**SUMMARY OF BILL:** Requires that an order of restitution entered by a sentencing court is a final civil judgment at the time of entry. Requires clerks to first apply moneys paid on a case toward restitution until restitution is paid in full and prior to the allocation of moneys toward any other obligations.

Extends, from one to two, the years within which a victim of crime may file a claim with the Criminal Injuries Compensation Fund (CICF).

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann § 40-35-304, a sentencing court is authorized to direct a defendant to make restitution to the victim of the offense as a condition of probation. If a sentence is agreed upon, restitution will be included as part of a plea agreement.
- The proposed legislation states that an order for restitution entered by the sentencing court is a final civil judgment at the time of entry and remains in effect from the date of entry until it is paid in full or is otherwise discharged and outlines the process for determining restitution amounts and payment.
- Pursuant to Tenn. Code Ann. § 40-24-105(a), the following shall be the allocation formula for moneys paid into court: the first moneys paid in any case shall first be credited toward payment of litigation taxes and once litigation taxes have been paid, the next moneys shall be credited toward payment of costs; then additional moneys shall be credited toward payment of the fine.
- This legislation is not expected to affect total collection of litigation taxes, payment of costs, or fine revenue.
- Extending the timeframe in which a victim is authorized to file a claim with the CICF is not expected to significantly impact the number or total of claims.
- Any impact to the court system resulting from the proposed legislation will be accomplished utilizing existing judicial resources. Any fiscal impact is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, flowing style.

Bojan Savic, Interim Executive Director

/jg